

Notice of Allowability

Application No.

10/690,117

Examiner

Cheukfan Lee

Applicant(s)

YOSHIDA, MIINORU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed March 20, 2006.
2. ☒ The allowed claim(s) is/are 1-3, 5, and 6, now renumbered 1-5, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☒ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/087,410.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.


Cheukfan Lee

Continuation of Attachment(s) 9. Other: The second replacement drawing sheet does not show the label -- Fig. 12 PRIOR ART -- (no figure no. is shown either). Please submit a corrected replacement sheet for Fig. 12 with Fig. 12 labeled with -- PRIOR ART --. The first replacement sheet for Fig. 1 shows the correct information and is acceptable to the examiner.

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1. All pending claims 1-3, 5 and 6 are allowed. Claims 1 and 2 are independent.
2. The amended specification and abstract filed March 20, 2006 are acceptable to the examiner.

Corrected drawing Figs. 1, 17c, and 18, also filed March 20, 2006, are acceptable to the examiner. **However, the second one of the two replacement drawing sheets is missing -- Fig. 12 PRIOR ART -- from the sheet. A corrected replacement sheet showing the correct figure number and label required.**

Claims 2-6 have been amended to overcome the objection set forth in the previous Office Action dated December 20, 2005.

3. The following is an examiner's statement of reasons for allowance:

Claims 1 and 2 have been amended to include, respectively, the limitation "an average coarseness of a center line R_a of the original base having said uneven portion ranges $0.02 \mu\text{m} \leq R_a \leq 1.0 \mu\text{m}$ " and the limitation "an average coarseness of a center line R_a of the original base having said projection having the periodic array formed on the surface thereof ranges $0.02 \mu\text{m} \leq R_a \leq 1.0 \mu\text{m}$ ". The examiner agrees with Applicant on that the previously applied prior art reference Ishikawa et al. (U.S. Patent No. 6,128,105) does not disclose this claim limitation since Ishikawa et al. requires that the depth of unevenness Δx **must** satisfy the inequality $\Delta x \geq 4\lambda$ in order to avoid optical interference (col. 4, line 66 – col. 5, line 4; Fig. 13), where λ is the wavelength of light, and in according to examples given by Applicant for $\lambda = 650 \text{ nm}$ for red light and $\lambda = 400$

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nm for violet light, resultant values for the depth of unevenness Δx are greater than $2.6 \mu\text{m}$ and $1.6 \mu\text{m}$, respectively, which are outside of the $0.02 \mu\text{m} \leq \text{Ra} \leq 1.0 \mu\text{m}$ range of claims 1 and 2. Therefore, claims 1 and 2 are allowable.

Claims 3, 5 and 6 depend on claims 1 or 2 and thus are allowable for the reasons given for claims 1 and 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
May 25, 2006


Cheukfan Lee